

REMARKS

The Examiner rejected claims 1-7 as being indefinite under 35 U.S.C. § 112. The Examiner argues that the term "essentially" is not defined by the claim and the specification does not provide a standard for ascertaining the scope of the invention.

While the Applicants do not necessarily agree with the Examiner's assertion, the Applicants have now amended the claim to remove the objectionable term. It is therefore believed that the rejection under 35 U.S.C. § 112 have been overcome.

The Examiner rejected claims 1-3, and 5-7 under 35 U.S.C. § 102(b) as being anticipated by Bute U.S. Patent No. 4,271,693. The Applicants respectfully disagree. As discussed previously, the invention disclosed in the Bute patent is an apparatus for testing smoke detectors and not carbon monoxide detectors. The Bute apparatus includes a telescoping section (14) that carries a smoke producing pellet (16) at the tip. The pellet (16) is heated to produce smoke. (Col. 6, lines 1-13). In this manner smoke detectors can be tested for defects or weak batteries. Conversely, the present invention produces a stream of carbon monoxide, which is a colorless and odorless gas, through the outlet to test a carbon monoxide sensor.

The Examiner does not indicate where in Bute there is an enclosure having an inlet and an outlet and a means of causing air to move from the inlet to the outlet. This lack of specificity in the rejection is due to the fact that Bute does not include such features. Bute includes a cup shaped cylinder (101) on the end of the telescoping assembly (14). A pellet (16) is placed in the end of cylinder (101) and heat is applied to the end of the pellet (16). Consequently, the pellet smolders and smoke flows to the sensing means in the smoke detector. (Col. 6, lines 3-6). The cylinder (101) is closed at one end. Therefore, no feature in Bute teaches the limitation of an enclosure including an inlet and an outlet, wherein air is moved from the inlet to the outlet. Further, the apparatus of Bute does include any means to cause air to move from the inlet to the outlet. The Applicants therefore maintain their earlier assertions that Bute does not teach the limitations of claim 1.

Claim 1 now also requires that the heated material consists of carbon. Bute does not teach or suggest such a limitation. The Bute pellet (16) contains a compressed mixture of fine sawdust mixed with vegetable oil, potassium chlorate, iron oxide, soap detergent and a binder. (Col. 4, lines 40-43). The carbon material of the present invention produces the required amount of carbon monoxide without producing excessive amounts of unwanted smoke that could cause stains or undesirable fumes.


The Examiner further rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Bute in view of Wiesser U.S. Patent No. 5,523,744. The Examiner asserted that Bute discloses the claimed invention except the use of a fan to move the air and that Wiesser teaches such a feature.

The Applicants respectfully disagree. First, in light of the deficiencies of Bute discussed above, it is believed that claim 4 is patentable. Further, the apparatus of Wiesser is smoke detectors and not carbon monoxide detectors. Thus, the apparatus of Wiesser tests a different type of sensor. Still further, the fan disclosed in Wiesser is provided in order to blow air into the detector to cause an ionisation type detector to react. No smoke or carbon monoxide is generated in the apparatus of Wiesser and thus it is believed that the combination is improper as there is no motivation provided to combine the references.

In light of the above amendment and remarks it is believed that claims 1-7 are in condition for allowance and a formal Notice of Allowance of them is earnestly solicited.

If any further issues remain after this amendment, a telephone call to the undersigned would be appreciated.

Respectfully submitted,



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